



MINUTES
LANDMARKS PRESERVATION COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 SOUTH COUNTY ROAD, PALM BEACH

WEDNESDAY, MARCH 20, 2013, 9:30 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording (CD) of the meeting by contacting Cynthia M. Delp, Secretary to the Landmarks Preservation Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER: (9:32:11 a.m.)

Chairman Cooney called the meeting to order at 9:32 a.m.

II. ROLL CALL: (9:32:42 a.m.)

Edward Austin Cooney, Chairman	PRESENT
William P. Feldkamp, Vice Chairman	PRESENT
Dudley L. Moore, Jr., Member	PRESENT
Jacqueline Albarran, Member	PRESENT
William J. Strawbridge Jr., Member	PRESENT
Elizabeth S. Murphy, Member	ABSENT (unexcused)
Penelope D. Townsend, Member	PRESENT
Elizabeth "Libby" Marshall, Alternate Member	PRESENT
Anne Fairfax, Alternate Member	ABSENT (unexcused)
Patrick Killian, Alternate Member	PRESENT

Staff members present: John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Janet Murphy and Emily Stillings, Staff Historic Preservation Consultants, and Cynthia Delp, Secretary to the Landmarks Preservation Commission. Town Attorney John C. Randolph, was absent.

Let the record show that Ms. Marshall will be voting today due to the absence of Ms. Murphy.

Chairman Cooney introduced and welcomed the new members.

III. ADMINISTRATION OF OATH OF SERVICE FOR NEW MEMBERS: (9:33:12 a.m.)

Mrs. Delp administered the Oath of Service to Ms. Townsend and Mr. Killian.

IV. ELECTION OF OFFICERS:(9:35:19 a.m.)

MOTION BY MR. MOORE TO RE-ELECT MR. COONEY AS CHAIRMAN.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. MOORE TO RE-ELECT MR. FELDKAMP AS VICE CHAIRMAN.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

V. RECONSIDERATION OF APPROVAL OF MINUTES OF THE JANUARY 16, 2013 MEETING:
(9:36:59 a.m.)

MOTION BY MR. MOORE FOR APPROVAL OF THE JANUARY MINUTES.
MOTION SECONDED BY MR. FELDKAMP.
MOTION CARRIED 6-0. (Ms. Townsend did not wish to vote as she had not attended the meeting.)

VI. APPROVAL OF THE MINUTES OF THE FEBRUARY 20, 2013 MEETING:(9:37:28 a.m.)

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES OF THE FEBRUARY
20TH MEETING.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED 6-0. (Ms. Townsend did not wish to vote as she had not attended the meeting.)

VII. APPROVAL OF THE AGENDA: (9:37:44 a.m.)

Chairman Cooney mentioned that a deferral has been requested for COA- 016 – 2013.

MOTION BY MR. FELDKAMP TO DEFER APPLICATION FOR CERTIFICATE OF
APPROPRIATENESS #016 – 2013 TO THE APRIL MEETING.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE AGENDA AS REVISED.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

Mr. Page called attention to the Voting Conflict form filed by Ms. Marshall last month relative to the
project at 141 South County Road.

VIII. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:39:17 a.m.)

Mrs. Delp administered the oath to all those who planned to testify today.

IX. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to
3 minutes): (9:39:43 a.m.)

Anita Seltzer, Coconut Row, stressed the importance of holding all applicants to strict submission
requirements in order to preserve the integrity of the program. She also noted her support of the
Landmarks Preservation Commission.

Eugene Pandula, architect and former Chairman of the Landmarks Preservation Commission, stated that he is a Trustee for the Florida Trust for Historic Preservation. From his attendance at meetings of the Florida Trust, he was excited to report that grass roots preservation is coming back in the State of Florida. In that capacity, he encouraged the LPC members to attend the annual conference in May which will be held in St. Augustine, and provided several brochures regarding the event. Mr. Pandula also discussed the current status of the Town Hall Square Historic District Mizner Fountain's ranking (now #10) within the Special Categories Grant program at the State level.

Orator Woodward advocated engaging a structural engineer to evaluate the Mizner Fountain prior to moving forward; advocated for the preservation of the existing fountain; and commented, "I don't want to take Humpty Dumpty apart and find that we can't put him back together again."

Mr. Moore offered some comments in response to Ms. Seltzer's earlier remarks. He stated that he, personally, relies upon staff to ensure that applications are appropriately submitted, and reminded staff of that responsibility. Ms. Marshall agreed with Mr. Moore's remarks, but also commented that all projects should be reviewed by the commission with the same level of detail. Chairman Cooney stressed the importance of treating all applicants fairly and evenly, and stated that he is reviewing our application requirements. Mr. Moore added that there must always be room for adjustment and creativity during a presentation.

X. PUBLIC HEARINGS: (9:54:05 a.m.)

A. Application for Certificate of Appropriateness #008 - 2013

Addition

Owner/Applicant: Mr. Arthur Minerof

Address: 330 Island Road

Architect: The Pandula Architects, Inc.

Project Description: Request approval for addition to historic structure which is further described as: One story, one-car automobile garage addition of approximately 324 sq. ft. adjacent to location of existing one-car automobile garage; materials, details, colors and textures to match existing. Other associated changes as presented. ***Please note that this is a tax abatement project.***

Please note that this project was reviewed informally at the February meeting at which time the commission rendered an opinion relative to the variance.

Call for disclosure of ex parte communication: Disclosures by Mr. Cooney and Mrs. Albarran

ARCHITECTURAL PRESENTATION BY: Eugene Pandula, The Pandula Architects, Inc.

Mr. Pandula reported that since the last meeting, the Town Council approved the variance for this project. Staff added that there were certain conditions applied to the variance relative to screening the abutting properties (landscaping screening on the east property line and an extension of a wall on the west property line.) Mr. Pandula provided a brief overview of the project history and the current request for approval. He noted that the condition of approval on the east property line was that the height of the landscaping be increased to 12 ft. and be maintained at that height for perpetuity. On the west property line, a site wall will be continued up to the street.

MOTION BY MR. FELDKAMP FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS #008 - 2013 AS PRESENTED.

MOTION SECONDED BY MRS. ALBARRAN.

Mr. Lindgren noted that the plans do not show the wall or the 12 ft. buffer, so he recommended that these be conditions of approval.

AMENDED MOTION BY MR. FELDKAMP TO INCLUDE AN EXTENSION OF THE WALL ON THE WEST SIDE AND LANDSCAPING AT 12 FT. ON THE EAST SIDE AS REQUIRED BY TOWN COUNCIL, WITH MAINTENANCE FOR PERPETUITY AT 12 FT.

**AMENDED MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.**

Mr. Lindgren allowed Mr. Pandula to informally present some additional items for this project: Six (6) window/door issues on the south facade facing the lake. The commission reviewed these proposed changes and offered comments. The drawings will be updated to include the proposed changes and the commission's suggestions relative to them, and then will be staff approved by Mr. Lindgren. (Though tax abatement projects normally do not permit staff approvals, the LPC reviewed the proposed changes during a commission meeting and approved them.)

**B. Application for Certificate of Appropriateness #011 - 2013
Window Replacement**

Owner/Applicant: Wilbur L. Ross Jr.

Address: 328 El Vedado Road

Architect: Thomas M. Kirchhoff, AIA, PA

Project Description: Request approval for window replacement which is further described as:

Remove and replace existing windows with impact rated windows. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, AIA, PA

Mr. Kirchhoff presented this request for new Zeluck windows pursuant to the submitted plans and as described above. Almost all windows will go back in exactly as they are now, but as impact rated windows. Only one window on the north elevation will be changed to match the one next to it, as presented.

**MOTION BY MRS. ALBARRAN FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. FELDKAMP.
MOTION CARRIED UNANIMOUSLY.**

**C. Application for Certificate of Appropriateness #015 - 2013
Rehabilitation and exterior demolition**

Owner/Applicant: Palm Beach Day Academy

Address: 241 Seaview Avenue

Architect: Tercilla Courtemanche Architects Inc.

Project Description: Request approval for rehabilitation and exterior demolition which is further described as: The Matthews Performing Arts Theater is in the last few months of (interior) construction. As protection for the new theater and in an attempt to leave the exterior appearance

intact, a structural wall was built inside of the south wall of the theater. The new structural wall butts up to the existing large glass windows (5) along the south elevation. An unintended result was that the heat build-up between the wall and windows is causing the windows to crack. This condition has caused a potential safety condition. This application seeks a certificate of appropriateness to change the (5) glass panels to insulated polished panels that will replicate as close as possible the existing glass panels. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by Mr. Cooney and Mrs. Albarran

ARCHITECTURAL PRESENTATION BY: Lance Courtemanche, Tercilla Courtemanche Architects, Inc.

Mr. Courtemanche reviewed the history related to this project, and presented the proposal in accordance with the submitted plans and as described above. The commission saw the proposal as a well-reasoned, good solution for the existing problem. Of great concern, however, was the maintenance of the glossy finish on the new polished panels. Mr. Courtemanche responded that they will be sealed at the factory, and there is a 10 year warranty on the product and the glossy finish.

**MOTION BY MR. FELDKAMP FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS #015 – 2013 AS PRESENTED.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.**

- D. Application for Certificate of Appropriateness #016 - 2013
Reconstruction/Exterior Demolition/Landscape/Hardscape/New Garage/Guest Suite
Owner/Applicant: The Palmerial Revocable Trust, Maura Ziska as Trustee
Address: 801 S. County Road
Architect: Michael J. Johnson, Architect
Project Description: Request approval for reconstruction, exterior demolition, landscape/hardscape, and new garage/guest suite to replace existing which is further described as: Existing garage and carport to be demolished; new two-story structure (garage at lower level and guest suite at upper level) to be built north of La Selva; and, final landscape plan. Other associated changes as presented. *Please note that this is a tax abatement project.*

Please be advised that the applicant had requested deferral to the April meeting, and that deferral was approved earlier in these Minutes under "Approval of the Agenda."

XI. OTHER BUSINESS: (10:45:42 a.m.)

- A. Informal Review: 252 El Bravo Way
LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Owner/Applicant: Jeffrey and Frances Fisher
Project Description: Request approval for revisions to previously approved application which is further described as: 1. Fenestration at south wall facing auto court to be revised utilizing existing openings and aligning windows with those at second floor, making them closer to original Volk design; 2. Garage extension eastward, variance request to Town of Palm Beach predicated on approval from Landmarks Preservation Commission; other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures for all members as noted by Mr. Cooney relative to letter which staff e-mailed to all members from a neighbor.

ARCHITECTURAL PRESENTATION BY: Clemens Schaub

Mr. Schaub presented the project in accordance with the submitted plans and as described above, also explaining the owner's need for a variance to extend the garage. The project received very positive comments. Ms. Marshall commented that it would be great for the neighborhood to come together to soften the common easement with some landscaping as a finish detail. Mr. Schaub will pass that suggestion on to the landscape architect.

Mr. Lindgren read a letter from John Cunningham, 353 El Brillo Way, into the record wherein Mr. Cunningham listed his concerns about this project.

MOTION BY MR. FELDKAMP THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY (252 EL BRAVO).

MOTION SECONDED BY MR. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

B. Informal Review: 218 Phipps Plaza (11:03:11 a.m.)

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Owner/Applicant: Michael Formica and Robert Hiemstra, Jr.

Project Description: The existing 322 sq. ft. wood frame gallery building will be relocated nearer to the property line and converted into a single car parking garage. The brick hardscape in the rear yard will be reduced in area and a new single lap pool will be added between the house and the garage. New windows, doors and roof are proposed for the residence, with all other modifications being internal renovations.

Call for disclosure of ex parte communication: Disclosures by Mr. Cooney, Mrs. Albarran and Ms. Townsend

ATTORNEY PRESENT: Maura Ziska, Attorney for the applicant

ARCHITECTURAL PRESENTATION BY: Bill Boyle, Smith Architectural Group

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Ms. Ziska discussed the variance request for setback related to this project. Mr. Boyle presented the project in accordance with the submitted plans and as described above. He explained that when the existing wood frame gallery building is relocated it will then be used as a garage and pool pavilion. The main house roof will be replaced with a mossy green barrel tile roof (sample shown), but a wood shake roof is proposed for the garage/pool pavilion building. Keith Williams presented the landscape/hardscape aspects of the project to include: create a courtyard feeling between the main house and garage/pool pavilion; a new lap pool (8 ft. wide x 24 ft. long) to look like reflecting pond; brick and limestone or travertine paving; retain and prune the existing Ficus trees; additional landscaping – primarily native species, water features and courtyard areas as presented.

Under commission comments: The variance will render the back space usable; stated preference to reduce amount of hardscape in rear; like the contrast of front vs. rear landscaping; great

solution; this building reminds us why the LPC exists; the smaller structures are just as important as the large ones.

Mr. Lindgren noted that the architect is to provide elevation details of the interior "H", and original plans in their presentation next month. He also called attention to the fact that the original driveway gate will remain.

MOTION BY MR. FELDKAMP THAT IMPLEMENTATION OF THE PROPOSED VARIANCE AT 218 PHIPPS PLAZA WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY. MOTION SECONDED BY MRS. ALBARRAN. MOTION CARRIED UNANIMOUSLY.

The applicant was asked to bring samples, interior elevations of the courtyard and the original, existing, and proposed plans back to the next meeting when this project will be formally reviewed.

C. Informal Review: 153 Clarke Avenue

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Owner/Applicant: PBI Limited Partnership, Alan and Patricia Menkes

Project Description: Demolition of existing two-story garage and apartment structure; construction of new garage and apartment structure identical in size, appearance and location to existing; Landmarks approved changes to be incorporated into new structure.

Call for disclosure of ex parte communication: No disclosures

ATTORNEY PRESENT: Maura Ziska, Attorney for the applicant
ARCHITECTURAL PRESENTATION BY: Michael J. Johnson

Ms. Ziska discussed the variance(s) requested for this project to reconstruct this garage/apartment structure. Mr. Johnson noted that the garage/apartment building has extensive termite damage throughout and its foundation is cracked and crumbling. The project would demolish and re-build the structure in CBS construction, but identical in size, appearance and location.

There was discussion relative to this particular situation, and others like it where there is so much deterioration that demolition and reconstruction are warranted. It was suggested that perhaps an ordinance change is in order to allow for remedies such as the one proposed for this project. Mr. Page commented that this issue has been discussed by the Town Council. Staff is currently working with the Planning and Zoning Commission for possible changes to the zoning ordinance, and Mr. Page may, after consulting with other staff members, take the concept of reconstruction of accessory buildings to the Planning and Zoning Commission.

MOTION BY MR. MOORE THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY. MOTION SECONDED BY MR. FELDKAMP. MOTION CARRIED UNANIMOUSLY.

Let the record show that there was a short recess from 11:50 a.m. to 12:05 p.m, at which time the meeting reconvened.

⓪ XII. DESIGNATION HEARINGS:

Item 1: 130 El Brillo Way

Owner: Heidelinde M. Kauka Hamill

Call for disclosure of ex parte communication: No disclosures

Janet Murphy of Murphy Stillings, LLC, Staff Historic Preservation Consultants, testified that she had made numerous attempts to contact the property owner, but was not successful in speaking to the property owner. She noted that the Town had not received any correspondence from the property owner either. Ms. Murphy testified to the architecture, history and architect for this 1925 Marion Sims Wyeth Mediterranean Revival style residence, and stated that this property meets the following criteria for designation as a landmark of the Town of Palm Beach:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and,

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

⓪ Mr. Cooney offered some informational comments regarding this particular architect, his plans, and some changes made to this property over time.

Mrs. Delp verified that proof of publication and proper legal service were in place for this hearing.

Mr. Moore made some comments and requests relative to the quality of the consultants' future designation hearing presentations.

MOTION BY MR. FELDKAMP THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. FELDKAMP THAT 130 EL BRILLO WAY BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

Item 2: 1047 S. Ocean Boulevard

Owner: Karin Jack

Call for disclosure of ex parte communication: No disclosures

Emily Stillings of Murphy Stillings, LLC, Staff Historic Preservation Consultants, testified to the architecture, history and architect for this 1935 John Volk Art Moderne style residence, and stated that this property meets the following criteria for designation as a landmark of the Town of Palm Beach:

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and,

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Ms. Stillings indicated that the current property owner supports the landmark designation.

Mr. Feldkamp noted, for the record, that no one was present in the audience from the Volk Foundation. Secondly, he stated his disappointment that the original glass block window and the curved balcony in the rear have both been changed or removed. With those deletions, he stated, "There is a very fine line between minimalism and just boring." (The original photograph shown during the presentation showed the original details of the design. Currently, at the site, landscaping obscures the fact that those details are now missing.) It was noted, however, that these two particular original details, the glass block window and the curved balcony, could be restored by the current owner or a future owner.

Mrs. Delp verified that proof of publication and proper legal service were in place for this hearing.

MOTION BY MRS. ALBARRAN TO MAKE THE DESIGNATION REPORT A PART OF THE RECORD.

MOTION SECONDED BY MS. TOWNSEND.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. MOORE THAT THE PROPERTY AT 1047 SOUTH OCEAN BOULEVARD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED 6 -1, WITH MR. FELDKAMP OPPOSED.

XIII. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: (12:15:37 a.m.)

Mr. Moore stated that he was disturbed by a letter which was received by the members relative to an upcoming designation hearing. The Town's Historic Preservation Consultants were encouraged to perform a full evaluation of the property, including a record of the changes to the property over the years.

Mr. Page reported that the subject of the number of voting conflicts allowed for members has been discussed by the Town Council and they have referred the matter to the ORS Committee for continued

discussion. In addition to the conflicts issue, the ORS Committee will also discuss the requirement that architects who serve as regular members on the LPC or ARCOM be Florida registered architects. Mr. Cooney encouraged the members to attend the ORS meeting, and/or communicate with the Town Council members relative to these subjects. On the licensure issue, Ms. Marshall stated that she is a gubernatorial appointee to the Florida Board of Landscape Architecture. In that capacity, she was concerned regarding persons who present before the commissions who are not actually Florida licensed professionals, and agreed that this subject deserves further review.

Mr. Page stated that the LPC had denied the project at the "Tea House" at Bethesda by the Sea. That LPC decision was appealed by the applicant and that appeal had been scheduled for the March Town Council meeting. More recently, the applicant's attorney requested deferral of the appeal to the May Town Council meeting.

Mr. Page and Chairman Cooney welcomed the new members once again.

XIV. ADJOURNMENT: (12:37:55 a.m.)

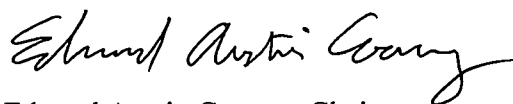
MOTION BY MR. MOORE TO ADJOURN THE MEETING AT 12:53 P.M.

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, April 17, 2013 in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,



Edward Austin Cooney, Chairman

LANDMARKS PRESERVATION COMMISSION

cmd